IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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THURSDAY, THE NINETH DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.4567 OF 2006

Between:

Beeraka Bhramari … Petitioner

Versus

The Revenue Divisional Officer,

Visakhapatnam,

Visakhapatnam district & Anr. … Respondents

Counsel for the Petitioner: Smt.N (P) Anjana Devi

Sri P.Satyanarayana

Counsel for the Respondent: Govt. Pleader for Revenue

O R D E R :

As against the orders of the Mandal Revenue Officer, Ravikamatham, dated 02-2-2006 passed in RC.No.707/2005/A after receiving notice under sub-section (1) and (2) of Section 3 of A.P.Assigned Lands (Prohibition of Transfers) Act 1977, resuming the land in possession of the petitioner on the ground that the petitioner was found in possession of an extent of Acs:21-62 cents of land in various survey numbers of Buddibanda village of Ravikamatham Mandal, Visakhapatnam district, in contravention of the provision of sub-section (1) and (2) of section 3 of the A.P.Assigned Lands (Prohibition of Transfers) Act 1977, the petitioner filed an appeal under section 4-A of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 before the Revenue Divisional Officer, Visakhapatnam, against the orders passed by the Mandal Revenue Officer, Ravikamatham.

It is stated that the appeal filed by the petitioner has been admitted but the stay application was rejected on the ground that all the lands found in possession of the petitioner is in contravention of the provision of sub-section (1) and (2) of Section 3 of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977. Therefore, the appeal was taken on file and posted for hearing.

When there is a right of appeal, I am of the opinion that it is just and equitable to protect the possession of the petitioner, pending disposal of the appeal.

Having regard to the facts and circumstances, without going into the merits of the writ petition, I consider it appropriate to direct the first respondent-Revenue Divisional Officer, Visakhapatnam, to consider and dispose of the appeal and pass appropriate order on merits and in accordance with law, within ten weeks, from the date of receipt of a copy of this order, after affording reasonable opportunity of hearing the petitioner. Pending disposal of the appeal filed by the petitioner under section 4-A of the A.P. Assigned Lands (Prohibition of Transfers) Act 1977, the first and second respondents are hereby directed to maintain ***statusquo*** obtaining as on today, with regard to the possession of the petitioner.

With the above direction, the writ petition is accordingly disposed of at the admission stage.

No costs.

MARCH 09th, 2006. ----------

I s L. V. ESWARAIAH , J.